Appln. No. 09/910,270
Response dated March 28, 2006
Regarding Office Action dated December 28, 2006
Docket No. BOC9-2000-0058 (193)

REMARKS/ARGUMENTS

These remarks are offered in response to the Office Action of July 12, 2005 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

Claims 1-6, 8-14, 16-17 and 21-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,549,612 to Gifford, et al. (Gifford), in view of U.S. Patent No. 6,857,008 to Shenefiel (Shenfiel). Claims 7, 15, 18-20 and 38-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gifford, in view of Shenefiel and further in view of U.S. Patent No. 5,937,162 to Funk, et al. (Funk). Claims 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,680,551 to Martino, II (Martino) in view of Gifford. Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gifford, in view of Martino and further in view of Funk. Claims 18 and 38 were rejected under 35 U.S.C. § 112, second paragraph.

Applicants have amended independent Claims 1, 10, 21, 30, 41, and 44 to further emphasize certain aspects of Applicants' invention. Dependent Claims 3-5, 11, 13, 19, 20, 23-25, 33, 39, and 40 have been amended and dependent Claim 31 cancelled to maintain consistency among the claims. The claim amendments also address the claim objections stated at page 2 of the Office Action. Lastly, dependent Claims 18 and 38 have been amended to remove any confusion regarding a proper antecedent basis. Applicants wish to thank the Examiner for suggesting changes to overcome the stated objections.

As discussed herein, the amendments are supported throughout the Specification. (See, e.g., Specification, p. 11, lines 3-19.) No new matter has been introduced by virtue of the amendments.

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Applicants' Invention

It may be useful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by amended independent Claim 1, is an e-mail communication method. The method can include inserting a voice communications identifier in an e-mail message sent from a sender at a sending node to a recipient at a receiving node. The method further can include embedding within the voice communications identifier an executable voice communications link program component. (See Specification, p. 11, lines 10-15.) The program component, more particularly, can be configured to execute within the receiving node to establish a voice communications link between the sending node and the receiving node. The method also can include transmitting the e-mail message to the recipient, and responsive to the recipient selecting the voice communications identifier, establishing a voice communications link between the sender and the recipient.

The Claims Define Over The Prior Art

As already noted, independent Claims 1, 10, 21, and 30 were rejected as being unpatentable over Gifford in view of Shenefiel. Gifford is directed to a system and method for providing a unified communications (UC) service to a service subscriber. Gifford, more particularly, enables a subscriber to communicate in various modes via e-mail messages with a UC server. (See, e.g., Col. 2 lines 29-47; see also Col. 6, line 40 through Col. 7, line 27.) Shenefiel is directed to "an arrangement for accessing an IMAP [Internet Message Access Protocol] message server via telephone." (Col. 3, lines 43-49; see also Abstract.)

Applicants respectfully submit, however, that neither Gifford nor Shenefiel teach or suggest every feature found in independent Claims 1, 10, 21, and 30, as amended. For example, neither Gifford nor Shenefiel teach or suggest embedding an executable voice communications link program component in a voice communications identifier conveyed

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via an e-mail message sent from a sender at a sending node to a recipient at a receiving node, as recited in amended independent Claims 1, 10, 21, and 30. Moreover, neither Gifford nor Shenefiel teach or suggest an executable voice communications link program component that is configured to execute within the receiving node in order to establish a voice communications link between the sending and receiving nodes, as further recited in amended independent Claims 1, 10, 21, and 30.

Gifford is cited at pages 3-4 of the Office Action as disclosing a "voice communication" identifier that is sent via an e-mail and that when selected by a recipient establishes "a voice communications link between" the recipient and a sender. At pages 4-5 of the Office Action, Gifford is also cited as disclosing the step of embedding computer program code in the e-mail message, "wherein [the] computer program code is configured to establish a voice communications link."

In portions cited in the Office Action, Gifford describes " 'non-literal' message means" that enable a UC service subscriber to control the delivery of messages:

"As used in this application, the term "non-literal" message means (1) a message that is not text-only or (2) a message that needs to be played (e.g., a voice clip) or rendered (e.g., an image, including facsimile). Forms are contained within the definition of a non-literal message since the forms may include elements (e.g., hyperlinks and buttons) that are not strictly text-only. Non-literal messages can be self-contained or include hyperlinks, and they may be delivered in one piece or in several pieces (e.g., in a streaming fashion).

Accordingly, when a UC server sends an e-mail to a subscriber, the e-mail contains interaction controls (e.g., buttons or Universal Resource Links (URLs)) which give the subscriber the ability to interact with server side

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communication functions (e.g., perform conference calling and message retrieval). The interaction controls are sent with the e-mail as part of an HTML, WML or XML document which is attached to the e-mail (e.g., as a MIME attachment) in the form of a graphical user interface. The actual voice, fax, or video message is preferably stored on the server computer until the user requests it. On the other hand, a message can be attached to the e-mail so that it is downloaded with the HTML or WML document to the subscriber's computer." (Col. 6, lines 25-37.)

As the quoted language reveals, Gifford does not contemplate the features recited in the amended independent claims. Specifically, Gifford does not teach or suggest an executable voice communications link program component that is embedded in an identifier and that executes in a receiving node to establish a communications link between the receiving node and a sending node. As described, the "interaction controls" sent by e-mail in Gifford are merely "buttons" or "URLs" for effecting a user interface that a subscriber utilizes to interact with the UC server. (See also Col. 2, line 30-64 and Abstract.) Specifically, functions such as conference calling and message retrieval are performed in Gifford by a subscriber's interaction with the server. In Gifford, no communications are effected using an executable voice communications link program component that is embedded in an identifier and that executes in a receiving node (i.e., the subscriber, as opposed to the UC server that sends the e-mail to the subscriber).

The difference between Gifford and Applicants' invention is underscored by Gifford's sending the "interaction controls" in an HTML, WML, or XML form. As explicitly noted in Applicants' Specification, markup and scripting languages are distinct from computer code, such as a compiled object or binary representation, that executes in a recipient node. (See Specification, p. 11, lines 10-15.) The only downloading at a receiving node in Gifford is a text or "non-literal" message, the latter being explicitly

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described as including non-text portions or portions that are played (e.g., voice clip) or rendered (e.g., an image or streaming data). Nothing in Gifford suggests an executable voice communications link program component, embedded in an identifier, which executes in a receiving node to effect a voice communications link between the receiving node and a sending node.

The "rendering capabilities" of the e-mail programs sent by Gifford's UC server are explicitly described in another portion of the reference cited in the Office Action, the portion pertaining to delivery of a "voicemail message" notification to a subscriber:

"1) When a caller leaves a voicemail message for the subscriber, the message is stored digitally on the computer(s) of the UC service provider.

2) The UC service provider then sends, via e-mail, a standard MIME encoded (or similar) document to the subscriber which contains at least one part. The first part is a standard HTML, WML or XML formatted document which contains interaction controls (e.g., URL links or form elements) linked backed to at least one server side program. When one of the interaction controls is selected, a message is sent back to the server causing the server to perform a corresponding one of the communication services. As described above, the MIME-encoded e-mail message also can contain, if the user prefers, the actual multimedia portion of the message attached as a separate MIME part to the e-mail so that the subscriber can listen to or view the message off-line (i.e., without a network connection).

3) Once the recipient receives the e-mail message and opens it, the recipient sees the graphical HTML, WML or XML attachment either directly in an e-mail client or in a Web Browser depending on the system configuration.

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Moreover, once the e-mail is opened, a communications connection (e.g., a Hyper Text Transfer Protocol (HTTP) connection) is established to an information server (e.g., a Web Server) which immediately loads images, data, or programs (like a Java applet or similar) necessary to construct the interface to be displayed." (Col. 6, lines 43-65.)

This portion further demonstrates that with Gifford what is sent to a recipient is "interaction controls" (e.g., URL link), and that the controls are used to retrieve images loaded on a separate server. Moreover, the HTTP connection established with the information server is not a voice communications link. Again, this is distinct from Applicants' invention in that no voice communications link program component is sent in Gifford that both executes within the receiving node and effects a voice communications link between the receiving node and a sending node.

In another portion Gifford cited in the Office Action, Gifford describes a subscriber's interacting with phone, fax and video services to "push" information such as message data, current phone status, and other information (e.g., stock quotes) to other users via an "e-mail interface." (Col 7, lines 38-30.) Nowhere, however, does Gifford's description of pushing information via an e-mail interface suggest an executable voice communications link program component that is embedded in an identifier and that executes within a receiving node to effect a voice communications link between the receiving node and a sending node.

In still another portion of Gifford cited in the Office Action, Gifford describes maintaining "dynamic information." (Col. 7, lines 47-54.) The dynamic information is kept on the UC server until the e-mail HTML interface requests it in response to a subscriber opening an e-mail. Three examples of this feature in Gifford are:

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"(1) Clients that use Image URL links to reference a CGI program which returns a dynamically constructed image which contains the current information. The image is retrieved every time the HTML page is opened or refreshed.

(2) A Java-based HTML e-mail applet that retrieves the current information from the UC server and then displays it.

(3) Embedding a Javascript "onload" event handler in the "<body>" tag of an HTML page. When the page is loaded by the client the Javascript function which the "onload" event handler references is executed. This allows for dynamic retrieval of information at the time the web page is viewed." (Col. 7, lines 55-65.)

Applicants respectfully note that in none of the examples does Gifford teach or suggest an executable voice communications link program component that is embedded in an identifier and that executes within a receiving node to effect a voice communications link between the receiving node and a sending node, as recited in amended independent Claims 1, 10, 21, and 30. In the examples, a user's opening an e-mail results only in the retrieval of information or an image, but nowhere is there even the remote suggestion of establishing a voice communications link with an executable voice communications link program component that is embedded in the e-mail or that executes within a receiving node.

Independent Claims 41 and 43, as amended, both recite an executable voice communications link program component that is embedded in an identifier. As further recited, the voice communications link program component can be executed in a receiving node or a client to establish a voice communications link.

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Claim 41 was rejected as unpatentable over Martino in view of Gifford. Claim 44 was rejected as unpatentable over Gifford in view of Shenefiel, Martino, and Funk. At page 13 of the Office Action, however, it is stated that Martino does not disclose "an executable voice communications link program. Nor do the other references. Gifford is cited at pages 13-14 as the single reference that discloses this feature. For the reasons already stated, however, Gifford fails to teach or suggest a voice communications link program component that is embedded in an identifier and that can be executed in a receiving node or a client to establish a voice communications link.

Accordingly, the combination of Gifford and Shenefiel, the combination of Martino and Gifford, and the combination of Gifford, Martino, Shenefiel, and Funk each fails to teach or suggest every feature recited in independent Claims, 1, 10, 21, 30, 41, and 44, as amended. Applicants respectfully assert, therefore, that each of independent Claims, 1, 10, 21, 30, 41, and 44, as amended, defines over the prior art. Applicants further respectfully assert that whereas each of the remaining dependent claims depends from one of the amended independent claims while reciting additional features, the remaining dependent claims likewise define over the prior art.
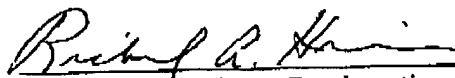
CONCLUSION

Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

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Respectfully submitted,

Date: <u>March 28, 2006</u>

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